

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | |
|--|---|
| In re: BRIDGESTONE/FIRESTONE, INC., |) Master File No. IP 00-9373-C-B/S |
| TIRES PRODUCTS LIABILITY LITIGATION |) MDL NO. 1373 |
| <hr/> |) |
| THIS DOCUMENT RELATES TO ALL |) |
| ACTIONS |) |

ENTRY FOR FEBRUARY 20, 2003

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. Firestone requests and is granted, without objection from the plaintiffs, an extension to February 27, 2003, to file its reply in support of its motion to compel the Baumgardner tire chart.
2. The magistrate judge clarifies that any case-specific motion for summary judgment that implicates issues that likely will be addressed by the court's ruling on the Pearl and Baumgardner *Daubert* motions (for example, "missing tire" summary judgment motions) is subject to the deferral of briefing and notice provisions set forth in ¶ 3 of the Entry for February 6, 2003, for *Daubert* motions. Briefing shall proceed on all case-specific motions for summary judgment that do not implicate *Daubert* issues.
3. Firestone requests and is granted, without objection from the plaintiffs, an extension to February 28, 2003, to file its reply in support of its motion to strike the plaintiffs' exhibits relating to the Baumgardner *Daubert* motion.
4. The parties agree to a short extension to March 3, 2003, to exchange lists of the exhibits they intend to offer at the *Daubert* hearing.

5. The magistrate judge determines that Mr. LaGrange's deposition shall begin at 9:00 a.m. and shall be conducted in the offices of Podhurst Orseck Josefsberg Eaton Meadow Olin & Perwin, P.A., in Miami, Florida.
6. The parties report that they have been unable to resolve two issues regarding the *Daubert* hearing: (1) whether the distribution of each party's time between counsel's argument, witness testimony, etc., should be up to the party or pre-determined by the court; and (2) whether the parties are required to disclose in advance of the hearing those impeachment exhibits they intend to use. The parties request that Judge Barker provide them guidance on these two issues.
7. The issue of under what circumstances plaintiffs' counsel Victor Diaz may provide Firestone's adjustment data to plaintiffs' testifying experts and other plaintiffs' counsel was discussed. The parties anticipate that after reviewing the previous entries regarding this issue and conferring with one another, they will be able to resolve the issue among themselves. On a related issue, Mr. Diaz will send copies of the two sets of cd-ROMs containing Firestone adjustment data that he has to Colin Smith, counsel for Firestone, so that Mr. Smith can review them to determine whether they differ in any way from the adjustment data provided to plaintiffs' counsel Richard Denney in the Tennessee state court litigation. Firestone does not believe there should be any difference between the two sets of data. In the meantime, Mr. Diaz will sign and file the appropriate acknowledge in Tennessee state court so that he may obtain the adjustment data from Mr. Denney and make his own comparison.

8. The plaintiffs raised the issue of whether the monthly adjustment data reports testified to by a Firestone employee in a recent deposition exist and, if so, why they have not been produced by Firestone. Firestone will investigate the issue and report back to plaintiffs.
9. The parties agree to confer regarding the plaintiffs' request to use certain portions of deposition transcripts at the *Daubert* hearing and, if necessary, submit a proposed order regarding the issue for Judge Barker's approval. The parties also will confer regarding the general issue of the procedures relating to releasing documents filed under seal in the MDL to state court attorneys.
10. The parties agree to, and the magistrate judge approves, the suspension of the briefing of the forum non conveniens motion regarding the Mexican accident cases, and a new briefing schedule will be discussed during the next discovery conference.
11. The next telephonic discovery conference will be held on **Wednesday, March 19, 2003, at 11:00 a.m.** Mike Eidson will arrange the call and notify counsel and the magistrate judge of the arrangements. Agendas for the conference shall be exchanged and submitted to the magistrate judge by **5:00 p.m. on Monday, March 17, 2003.**

ENTERED this _____ day of February 2003.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

Copies to:

Irwin B Levin

Cohen & Malad

136 North Delaware Street
Indianapolis, IN 46204

William E Winingham
Wilson Kehoe & Winingham
2859 North Meridian Street
Indianapolis, IN 46206-1317

Randall Riggs
Locke Reynolds LLP
201 N. Illinois St., Suite 1000
P.O. Box 44961
Indianapolis, IN 46244-0961